

10-16-'14 13:31 FROM-Kootenai Dist Court

208-446-1188

T-934 P0001/0005 F-735

STATE OF IDAHO
COUNTY OF KOOTENAI } SS
FILED

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CLERK DISTRICT COURT

~~DEPUTY~~

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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of the Guardianship and
Conservatorship of:

[REDACTED]

A Minor.

CASE NO. CV 14 – 6509

ORDER APPOINTING GUARDIAN
AND CONSERVATOR

UPON CONSIDERATION of the Petition for Appointment of Guardian and Conservator of [REDACTED], filed by WAYNE E. BRYANT and APRIL L. BRYANT in the above-entitled action, the Court finds, based upon the pleadings filed herein which are incorporated herein by this reference, as follows:

WAYNE E. BRYANT and APRIL L. BRYANT are qualified persons to petition for appointment as Guardian and Conservator for [REDACTED]; venue is proper; required notices have been given or waived; all requirements for appointment under the Idaho Uniform Probate Code have been met; and, the best interest and welfare of [REDACTED] will be served by the appointment of WAYNE E. BRYANT and APRIL L. BRYANT as Guardian and Conservator (Guardian of the Estate).

IT IS HEREBY ORDERED as follows:

1. WAYNE E. BRYANT and APRIL L. BRYANT are appointed as Guardian and Conservator (Guardian of the Estate) of [REDACTED], a minor child, with either being able to act independently of each other, and pursuant to Idaho Code to perform any of the duties and powers of said Guardian and Conservator. If either

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WAYNE E. BRYANT or APRIL L. BRYANT ceases to act, or can no longer act, then the remaining Guardian and Conservator shall continue to act.

2. Letters of Guardianship and Conservatorship (Guardian of the Estate) are issued to WAYNE E. BRYANT and APRIL L. BRYANT and they shall serve without bond.

3. The Conservatorship (Guardian of the Estate) of [REDACTED] shall be extended until [REDACTED] attains the age of twenty-one (21) subject to the provisions of Idaho Code §15-5-433(b), and as hereafter amended.

4. A trust is hereby established for the benefit of [REDACTED] to receive any and all settlement proceeds from the law suit filed in United States District Court, Eastern District of New York, whether in lump sum payments or in a structured settlement payment, as may be the case from time to time.

a. The Trust shall be known as the [REDACTED] SUPPLEMENTAL NEEDS TRUST.

b. The Trust shall be irrevocable and shall be administered for the sole and exclusive benefit of [REDACTED]. The Initial trustees shall be WAYNE E. BRYANT and APRIL L. BRYANT and they shall serve without bond.

c. [REDACTED] interest in the income and principal of the trust shall not be liable for her debts nor shall the same be subject to voluntary or involuntary transfer or to seizure by any creditor of [REDACTED] under writ or proceeding at law or in equity, nor bankruptcy proceedings, nor other legal process. Neither shall [REDACTED] nor any other beneficiary shall have the power to sell, assign, transfer, encumber, or in any other manner anticipate the disposition of his or her interest in the trust estate or the income produced thereby.

d. For the purpose of complying with the provisions of 42 U.S.C. § 1396p(d)(4)(A), upon [REDACTED] death, all amounts remaining in the trust shall be paid to the State of Idaho up to an amount equal to the total medical assistance paid on behalf of [REDACTED] under the State of Idaho's plan under subchapter XIX of Title 42, United States Code (any to any other state from which

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the beneficiary may receive such medical assistance to the extent of such assistance).

Unless specifically provided otherwise herein, in administering the trust the trustee shall have the powers conferred and be bound by the obligations imposed on trustees by the provisions of Title 15, Chapter 7 of the Idaho Code.

Entered this 15 day of OCT, 2014.


BARRY E. WATSON
Magistrate

CERTIFICATE OF MAILING

I hereby certify that on the 16 day of OCT., 2014,
I caused to be served a true and correct copy of the ORDER APPOINTING GUARDIAN AND
CONSERVATOR to be served by facsimile or regular U.S. Mail, postage prepaid thereon, and
addressed to the following:

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APRIL L. BRYANT
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WAYNE E. BRYANT
2417 E. St. James Avenue
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CLERK OF THE COURT

By: **JIM BRANNON**


Deputy Clerk

